

# House File 455 - Introduced

HOUSE FILE 455  
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HSB 81)

## A BILL FOR

1 An Act relating to vehicular transportation for students and  
2 making penalties applicable.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 285.9, Code 2013, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 5. Review and resolve all transportation  
4 disputes between districts as provided in section 285.12A.

5 Sec. 2. NEW SECTION. **285.12A Disputes between districts.**

6 In the event of a dispute between school districts regarding  
7 transportation, the area education agency board shall review  
8 and resolve the dispute. If the parties to the dispute are  
9 located in more than one area education agency, the area  
10 education agency in which the party to the dispute with the  
11 greatest certified enrollment is located shall be the reviewing  
12 agency. In resolving disputes between districts, the reviewing  
13 agency board shall, after receiving all facts, make alterations  
14 or changes as necessary to make the arrangements, designations,  
15 and contracts conform to the legal and established requirements  
16 and shall notify each affected local school board of the  
17 decision. A party to the dispute may appeal the decision of  
18 the agency board to the director of the department of education  
19 in the manner provided in section 285.12 for appealing a  
20 decision of an agency board. The decision of the director  
21 shall be subject to judicial review in accordance with chapter  
22 17A. This section shall not apply to transportation disputes  
23 relating to open enrollment under section 282.18.

24 Sec. 3. Section 321.1, subsection 69, paragraph d, Code  
25 2013, is amended to read as follows:

26 *d.* Designed to carry not more than nine persons as  
27 passengers, either school owned or privately owned, which  
28 are used to transport pupils to activity events in which the  
29 pupils are participants or used to transport pupils to their  
30 homes in case of illness or other emergency situations. The  
31 vehicles operated under the provisions of this paragraph  
32 shall be operated by employees of the school district who are  
33 specifically approved by the local superintendent of schools  
34 for the assignment and, if applicable, shall conform to the  
35 minimum vehicle safety inspection standards for school buses,

1 as prescribed in rules adopted by the state board of education.  
 2 The state board of education shall adopt rules for required,  
 3 uniform inspections of such vehicles. Such rules shall allow  
 4 for inspections to be conducted by qualified private automobile  
 5 mechanics or the department of education.

6 Sec. 4. Section 321.373, subsection 1, Code 2013, is amended  
 7 to read as follows:

8 1. Every school bus ~~except private passenger vehicles used~~  
 9 ~~as school buses~~ or other vehicle used to transport pupils  
 10 to activity events pursuant to section 321.1, subsection  
 11 69, paragraph "d", unless privately owned and not operated  
 12 for compensation, shall be constructed and equipped to meet  
 13 safety standards prescribed in rules adopted by the state  
 14 board of education. Such rules shall conform to safety  
 15 standards set forth in federal laws and regulations and shall  
 16 conform, insofar as practicable, to the minimum standards  
 17 for school buses recommended by the national conference on  
 18 school transportation administered by the national commission  
 19 on safety education and published by the national education  
 20 association.

21 Sec. 5. Section 321.376, Code 2013, is amended by adding the  
 22 following new subsection:

23 NEW SUBSECTION. 2A. The provisions of this section relating  
 24 to a certificate of qualification and approved course of  
 25 instruction shall not apply to a person operating a vehicle  
 26 used to transport pupils to activity events pursuant to section  
 27 321.1, subsection 69, paragraph "d".

28 Sec. 6. Section 321.379, Code 2013, is amended to read as  
 29 follows:

30 **321.379 Violations.**

31 A school board, individual, or organization shall not  
 32 purchase, construct, or contract for use, to transport pupils  
 33 to or from school or school activities, any school bus or other  
 34 vehicle used to transport pupils to activity events pursuant  
 35 to section 321.1, subsection 69, paragraph "d", which does

1 not comply with the minimum requirements of section 321.373  
 2 pertaining to such bus or vehicle, and any individual, or any  
 3 member or officer of such board or organization who authorizes,  
 4 the purchase, construction, or contract for any such bus or  
 5 vehicle not complying with these minimum requirements commits a  
 6 simple misdemeanor.

7 Sec. 7. Section 331.653, subsection 32, Code 2013, is  
 8 amended to read as follows:

9 32. Enforce sections 321.372 to 321.379 relating to school  
 10 buses and to vehicles used to transport pupils to activity  
 11 events pursuant to section 321.1, subsection 69, paragraph "d".

12 Sec. 8. STATE MANDATE FUNDING SPECIFIED. In accordance  
 13 with section 25B.2, subsection 3, the state cost of requiring  
 14 compliance with any state mandate included in this Act shall  
 15 be paid by a school district from state school foundation aid  
 16 received by the school district under section 257.16. This  
 17 specification of the payment of the state cost shall be deemed  
 18 to meet all of the state funding-related requirements of  
 19 section 25B.2, subsection 3, and no additional state funding  
 20 shall be necessary for the full implementation of this Act  
 21 by and enforcement of this Act against all affected school  
 22 districts.

#### 23 EXPLANATION

24 This bill makes changes relating to vehicular transportation  
 25 for students.

26 The bill assigns to area education agencies the duty of  
 27 initially reviewing transportation disputes between school  
 28 districts and the authority to resolve such disputes. The  
 29 bill requires the reviewing agency board to notify each  
 30 affected local school board of its decision, and allows an  
 31 affected school district to appeal a decision to the director  
 32 of the department of education. The bill does not apply to  
 33 transportation disputes relating to open enrollment under Code  
 34 section 282.18.

35 The bill provides that school-owned vehicles designed to

1 carry not more than nine persons which are used to transport  
2 pupils to activity events in which students are participating  
3 must conform to minimum vehicle safety inspection standards for  
4 school buses as far as practicable and as set out by the state  
5 board of education by rule. The bill directs the state board  
6 of education to adopt rules for required, uniform inspections  
7 of such vehicles. The rules must allow for inspections to be  
8 conducted by qualified private automobile mechanics or the  
9 department of education. The bill also provides that the  
10 drivers of such vehicles, whether school-owned or privately  
11 owned, are exempt from statutory requirements for a certificate  
12 of qualification and an approved course of instruction that  
13 apply to school bus drivers.

14 Current law provides that a school board, individual, or  
15 organization must not purchase, construct, or contract for  
16 use of a school bus that does not comply with minimum state  
17 standards. Current law provides that any person who authorizes  
18 such an action is guilty of a simple misdemeanor. The bill  
19 adds certain other vehicles used to transport students to  
20 school activities to those requirements. A simple misdemeanor  
21 is punishable by confinement for no more than 30 days or a fine  
22 of at least \$65 but not more than \$625 or by both.

23 The bill may include a state mandate as defined in Code  
24 section 25B.3. The bill requires that the state cost of  
25 any state mandate included in the bill be paid by a school  
26 district from state school foundation aid received by the  
27 school district under Code section 257.16. The specification  
28 is deemed to constitute state compliance with any state mandate  
29 funding-related requirements of Code section 25B.2. The  
30 inclusion of this specification is intended to reinstate the  
31 requirement of political subdivisions to comply with any state  
32 mandates included in the bill.